

## **REMARKS AND DISCUSSION**

Upon entry of the present Amendment, claims 1, 3-14 and 16-26 are pending in the application, of which claims 1 and 14 are independent.

Claims 1, 5, 10, 14, 18 and 23 are amended herein. Claims 2 and 15 are canceled herein without prejudice or abandonment of the subject matter therein. Applicant respectfully submits that all of the above amendments are fully supported by the original specification, including the drawings and claims. The applicant also respectfully submits that no new matter is introduced by the above amendments.

The above-identified Office Action has been reviewed, the references carefully considered, and the Examiner's comments carefully weighed. In view thereof, the present Amendment is submitted. It is contended that by the present amendment, all bases of rejection set forth in the Office Action have been traversed and overcome. Accordingly, reconsideration and withdrawal of the rejection is respectfully requested.

### **Claim Amendments**

Applicant has amended claims 1 and 14 and canceled claims 2 and 15 herein. Claim 1 has been amended to incorporate the limitations of claim 2, similarly claim 14 has been amended to incorporate the limitations previously included in claim 15. Applicant notes that in item 7 of the Office Action the Examiner indicated that claims 2 and 15 (in addition to claims 3, 5-8, 12-13, 16, 18-21 and 25-26) include allowable subject matter and would be allowed if rewritten in independent form including all the limitations of the base claim.

Additionally, Applicant has amended claims 5 and 10 to depend from claim 1, rather than canceled claim 2. Similarly, claims 18 and 23 have been amended to depend from claim 14, rather than claim 14.

### **Claim Rejections – 35 USC § 102**

At item 4 of the Office Action, the Examiner rejected claims 1 and 14 under 35 USC § 102(e) as anticipated by Van Valkenburg (US Pub. 2005/0180343). It is the Examiner's opinion that Van Valkenburg discloses each and every aspect of the claimed invention. Applicant respectfully traverses this ground of rejection, and requests reconsideration thereof as discussed below.

#### **Applicant's Response**

Applicant respectfully traverses the Examiner's rejection of claims 1 and 14 under § 102(e). Specifically, Applicant notes that Van Valkenburg does not explicitly disclose "first and second Bluetooth modules capable of performing a cable communication *irrespective of which is a master or slave*" as claimed. Applicant submits that although Van Valkenburg does disclose first and second Bluetooth devices (e.g. 4 and 6), the disclosure of Van Valkenburg explicitly requires that each device have a defined role for each piconet in which it operates. For example, in first piconet 26 device 4 acts as the master and device 6 acts as the slave while in second piconet 28 device 6 acts as the master and device 8 acts as the slave. These roles cannot be reversed, therefore this is different from the claimed invention where the devices can indeed have their roles *within* a particular piconet changed (from master to slave and vice versa).

For these reasons Applicant submits that the Examiner's rejection is improper. However, in order to expedite the prosecution of the application, Applicant has amended claims 1 and 14. Claim 1 has been amended to include the limitation of claim 2 and claim 14 has been amended to include the limitations of claim 15. Applicant submits that the claims, as amended herein, are in condition for allowance and requests acknowledgement by the Examiner of the same. Further, Applicant notes that claims 2-13 and 16-26 depend from claims 1 and 14 respectively and are therefore in condition for allowance as well.

### **Claim Rejections – 35 USC § 103**

In item 6 of the Office Action the Examiner rejected claims 4, 9-11, 17 and 22-24 under 35 USC § 103(a) as obvious over Van Valkenburg in view of Lempio et al. (US 6,831,896). It is the Examiner's opinion that Van Valkenburg discloses all the aspects of the claimed invention except for 1) an SCO or ACL link between Bluetooth modules (claims 9 & 22), 2) the first and second Bluetooth modules in the first relay device are controlled by common means (claims 10 & 23) and 3) the first and second Bluetooth modules and the control means are connected via a bus (claims 11 & 24). It is the Examiner's further contention that Lempio et al. discloses these aspects of the invention not disclosed by Van Valkenburg and that it would have been obvious to hypothetically combine the teachings of Lempio with the system of Van Valkenburg to make the claimed invention obvious. Applicant respectfully traverses this ground of rejection, and requests reconsideration thereof as discussed below.

*Applicant's Response*

Applicant respectfully traverses the Examiner's rejection of claims 4, 9-11, 17 and 22-24 under § 103(a) as put forth below. Additionally, for the reasons put forth above regarding claims 1 and 14, from which claims 4, 9-11, 17 and 22-24 depend, Applicant submits that the claims, as amended herein, are in condition for allowance.

First, Applicant notes what appears to be an error in the Examiner's rejection of claims 9 and 22. Although the rejection (as put forth in the first paragraph of item 6 of the Office Action) is explicitly stated as being under Van Valkenburg/Lempio, the rejection of claims 9 and 22 is actually based on Van Valkenburg in view of Ross, III (US 2003/0092384) and is essentially the same rejection previously put forth by the Examiner in the Office Action dated 05 July 2007. Second, Applicant notes that at item 1 of the Office Action, the Examiner indicated that the arguments presented in Amendment-C (responsive to Office Action dated 05 July 2007) were persuasive. Applicant notes that Amendment-C included an argument that Lempio actually *teaches away* from

the claimed invention because Lempio discloses a stationary beacon, rather than beacons mounted on moving vehicles. Applicant noted that the Federal Circuit has held that teaching away is considered a sign of non-obviousness. *In re Geisler*, 116 F.3d 1465, (Fed. Cir. 1997).

Additionally, Amendment-C included an argument that the Examiner had not put forth a *prima facie* case of obviousness. Specifically, Applicant noted that the Examiner must provide a reason why he or she feels that it would be obvious to combine the elements of the cited references in the fashion claimed by applicant. “Rejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.” *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006) cited with approval in *KSR v. Teleflex*, 127 S. Ct. 1727, 82 USPQ2d 1385 (S. Ct. 2007).

Applicant respectfully suggests that because the Examiner has indicated that these arguments (as presented in Amendment-C) were persuasive, the continued rejection of any claims under § 103(a) over Lempio is improper. Additionally, Applicant notes that the Examiner has not provided any new reference that overcomes the Applicant’s (persuasive) argument that Lempio teaches away from the claimed invention. Further, Applicant notes that the Examiner has still not made any “articulated reasoning with some rational underpinning to support the legal conclusion of obviousness” to support the Examiner’s contention that the claims are obvious.

For these reasons, Applicant submits that claims 4, 9-11, 17 and 22-24 are in condition for allowance as presented herein and requests acknowledgement by the Examiner of the same.

### **Conclusion**

Based on all of the foregoing, applicant respectfully submits that all of the rejections set forth

in the Office Action are overcome, and that of the pending claims are believed to be allowable over all of the references of record, whether considered singly or in combination. Applicant requests reconsideration and withdrawal of the rejections of record, and allowance of the pending claims.

The application is now believed to be in condition for allowance, and a notice to this effect is earnestly solicited.

If the Examiner is not fully convinced of the allowability all of the claims now in the application, applicant respectfully requests that the Examiner telephonically contact applicant's undersigned representative to expeditiously resolve prosecution of the application.

Favorable consideration is respectfully requested.

Respectfully submitted,

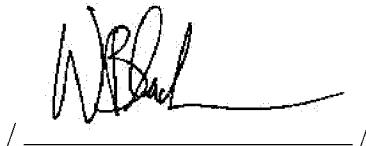


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March 27, 2008

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